

**DEPARTMENT OF CONSUMER AFFAIRS  
ACUPUNCTURE BOARD**

**INITIAL STATEMENT OF REASONS**

**Hearing Date:** August 22, 2005

**Subject Matter of Proposed Regulations:** Citation and Fine

**Section Affected:** 1399.465

**Specific Purpose of each adoption, amendment, or repeal:**

Amend section 1399.465 to increase the administrative fine allowed by section 125.9 of the Business and Professions Code and impose the greater penalty where exceptional circumstances were present.

**Factual Basis/Rationale**

Pursuant to SB 362, statutes of 2003, section 125.9 of the Business and Professions Code was amended to increase the maximum amount of an administrative fine to \$5,000. The proposed language would allow the board to impose a civil penalty between \$2,501 and \$5,000 where exceptional circumstances were present. The enhanced civil penalty would be appropriate where a violation has an immediate relationship to the health and safety of another person, the cited person has a history of two or more prior citations of the same or similar violations, the citation involves a multiple violation that demonstrates a willful disregard of the law or the citation involves a violation or violations perpetrated against a senior citizen or disabled person.

**Underlying Data**

N/A

**Business Impact**

This regulation will not have a significant adverse economic impact on businesses.

**Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment.

**Consideration of Alternatives**

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.